



09-12-05

1634
Box Seq.
JKW

Express Mail No.: EV 622 502 941 US
Docket No. 1829-4004US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Slaugenhouette et al. Confirmation No. 5418
Serial No.: 10/041,856 Group Art Unit: 1634
Filed: January 7, 2002 Examiner: Carla Myers
For: Gene For Identifying Individuals With Familial Dysautonomia

EXPRESS MAIL CERTIFICATE

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following attached papers and fee:

1. Copy of "Notice to Comply"
2. Response to Notice To Comply (w/ duplicate)
3. Substitute Sequence Listing in Paper and Computer Readable Form
4. Statement Under 37 C.F.R. §1.821(f) or §1.825(a)
5. Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a)) (w/ duplicate)
6. Return receipt postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on September 8, 2005 and is addressed to Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

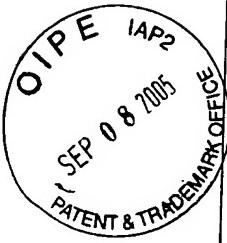
Melissa Wenk

(Typed name of person mailing papers and fee)

(Signature of person mailing papers and fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile



Notice to Comply

Application No.

Applicant(s)

Examiner

Art Unit

101041, P56

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

5.0.0

The reply filed on June 1, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The response includes new claims 53 and 72 which are drawn to nucleic acids comprising sequences that are not included in the sequence listing. Accordingly, this application fails to comply with the requirements of 37 CFR 1.821-25 because the previously submitted Sequence Listing does not include each of the sequences set forth in claims 53 and 72. In response to this Office action, Applicants must comply with the requirements of 37 CFR 1.821-1.825. In particular, Applicant is required to submit a new CRF and paper copy of the Sequence Listing containing the additional sequence, an amendment directing the entry of the Sequence Listing into the specification, an amendment in which the SEQ ID NO. is inserted into the claims following each of the recited sequences, and a letter stating that the content of the paper and computer readable copies are the same.

Further, the response should particularly point to specific teachings in the originally filed specification which provide support for the sequence set forth in claims 53 and 72. The response of June 1, 2005 states that support for this amendment may be found at pages 3, 6 and 13 of the specification and in Figure 2C. However, these teachings in the specification do not appear to provide support for the newly added sequence.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carla Myers whose telephone number is (571) 272-0747. The examiner can normally be reached on Monday-Thursday from 6:30 AM-5:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571)-272-0745.

The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Carla Myers
July 27, 2005

Carla Myers
CARLA J. MYERS
PRIMARY EXAMINER